

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**UNITED STATES OF AMERICA**

**v.**

**ROBERT WESTON**

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**CRIMINAL ACTION**

**No. 10-cr-281-3**

**No. 14-cv-1455**

**ORDER**

**AND NOW**, this 2nd day of December, 2016, upon consideration of Petitioner Robert Weston’s “Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence,” (Doc. Nos. 138 and 140), the “Government’s Response to Defendant’s Motion to Vacate, Set Aside, and Correct Sentence Pursuant to 28 U.S.C. § 2255” (Doc. No. 142), “Defendant’s Request This Court to Take Judicial Notice Most Recent Case Under [3rd Cir] United States v. Brown” (Doc. No. 144), “Defendant’s Motion for Reconsideration and Supplemental Motion to Vacate, Set Aside, or Correct Conviction or Sentence Under Title 28 U.S.C. § 2255” (Doc. No. 159), “Government’s Response to Defendant’s Supplemental Motion under 28 U.S.C. § 2225” (Doc. No. 160) and following a hearing and oral argument, it is hereby **ORDERED** that:

- Petitioner’s motion under 28 U.S.C. § 2255 is **DENIED** as to his ineffective assistance of trial counsel for failure to file a motion to suppress claim.
- Petitioner’s motion to amend (Doc. No. 159) is **GRANTED**.
- Petitioner’s motion under 28 U.S.C. § 2255 is **GRANTED** as to the ACCA sentencing claim.
- Resentencing is **SCHEDULED** for 10:00 a.m. on Wednesday, January 11, 2017 in Courtroom 4B.

**BY THE COURT:**

**/s/ Mitchell S. Goldberg**

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**Mitchell S. Goldberg, J.**